

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE BUILDING CODES EDUCATION PROGRAM
5 TO INCLUDE PLUMBING AND ELECTRICAL TOPICS; REQUIRING A PORTION OF PLUMBING AND
6 ELECTRICAL PERMIT FEES TO BE USED TO PAY THE COSTS OF THE BUILDING CODES EDUCATION
7 PROGRAM; AND AMENDING SECTIONS 50-60-106, 50-60-116, 50-60-508, AND 50-60-604, MCA."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 **Section 1.** Section 50-60-106, MCA, is amended to read:

12 **"50-60-106. Powers and duties of municipalities.** (1) The examination, approval, or disapproval
13 of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and
14 similar documents, the inspection of buildings, and the administration and enforcement of building
15 regulations within the municipal jurisdictional area are the responsibility of the municipalities of the state.

16 (2) Each municipality or county certified under 50-60-302 shall, within its jurisdictional area:

17 (a) examine, approve, or disapprove plans and specifications for the construction of any building,
18 the construction of which is pursuant or purports to be pursuant to the applicable provisions of the state
19 or municipal building code, and direct the inspection of the buildings during and in the course of
20 construction;

21 (b) require that construction of buildings be in accordance with the applicable provisions of the
22 state or municipal building code, subject to the powers of variance or modification granted to the
23 department;

24 (c) make available to building contractors at a price that is commensurate with reproduction costs
25 a checklist devised by the department pursuant to 50-60-118 for single-family dwellings and provide to
26 contractors who attach a completed checklist to the plans submitted for examination the relevant building
27 permit or notice of plan disapproval within 10 working days of the contractor's submission;

28 (d) during and in the course of construction, order in writing the remedying of any condition found
29 to exist in, on, or about any building that is being constructed in violation of the applicable state or
30 municipal building code. Orders may be served upon the owner or the owner's authorized agent personally

1 or by sending by certified mail a copy of the order to the owner or the owner's authorized agent at the
2 address set forth in the application for permission for the construction of the building. A local building
3 department, by action of an authorized officer, may grant in writing time, as may be reasonably necessary,
4 for achieving compliance with the order. For the purposes of this subsection (2)(d), the phrase "during and
5 in the course of construction" refers to the construction of a building until all necessary building permits
6 have been obtained and the municipality or county has issued formal written approvals or has issued a
7 certificate of occupancy for the building.

8 (e) issue certificates of occupancy as provided in 50-60-107;

9 (f) issue permits, licenses, and other required documents in connection with the construction of
10 a building;

11 (g) ensure that all construction-related fees or charges imposed and collected by the municipality
12 or county are necessary, reasonable, and uniform and are:

13 (i) except as provided in subsection (2)(g)(iii), used only for building code enforcement, which
14 consists of those necessary and reasonable costs directly and specifically identifiable for the enforcement
15 of building codes, plus indirect costs charged on the same basis as other local government proprietary
16 funds not paying administrative charges as direct charges. If indirect costs are waived for any local
17 government proprietary fund, they must also be waived for the program established in this section. Indirect
18 charges are limited to the charges that are allowed under federal cost accounting principles that are
19 applicable to a local government.

20 (ii) reduced if the amount of the fees or charges accumulates above the amount needed to enforce
21 building codes for 12 months. The excess must be placed in a reserve account and may only be used for
22 building code enforcement. Collection and expenditure of fees and charges must be fully documented.

23 (iii) allocated and remitted to the department, in an amount not to exceed 0.5% of the building
24 permit, plumbing permit, and electrical permit fees or charges collected, for the building codes education
25 program established in 50-60-116.

26 (3) Each municipality or county certified under 50-60-302 may, within its jurisdictional area:

27 (a) make, amend, and repeal rules for the administration and enforcement of the provisions of this
28 section and for the collection of fees and charges related to construction;

29 (b) prohibit the commencement of construction until a permit has been issued by the local building
30 department after a showing of compliance with the requirements of the applicable provisions of the state

1 or municipal building code; and

2 (c) enter into a private contract with the owner or builder of a building that is not or will not be
3 within the jurisdiction of the municipality or county under which the municipality or county will provide
4 reviews, inspections, orders, and certificates of occupancy for a fee and under conditions agreed upon by
5 the parties. Municipal or county powers of enforcement may not be exercised."

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7 **Section 2.** Section 50-60-116, MCA, is amended to read:

8 **"50-60-116. Continuing education -- funding support from building fees -- special account.** (1)

9 There is a building codes education program administered by the department for the purpose of providing
10 continuing education in building code standards and other related topics, including plumbing and electrical
11 topics, to interested persons in the construction industry and in regulatory agencies of state and local
12 government.

13 (2) The building codes education program must be funded entirely from building fee, plumbing
14 permit fee, and electrical permit fee revenue collected by the department, and the department shall allocate
15 0.5% of the fees that the department collects pursuant to 50-60-104, 50-60-508, 50-60-509, and
16 50-60-604 to the state special revenue account established in subsection (3) to pay the costs of
17 conducting courses and seminars at multiple locations in the state.

18 (3) There is an account in the state special revenue fund for the purpose of paying the costs of
19 the building codes education program.

20 (4) The department may expend the funds referred to in subsection (2) to contract with the
21 cooperative extension service, the extended studies programs, other appropriate units of the Montana
22 university system, or private sector entities to develop and conduct the building codes education program."

23

24 **Section 3.** Section 50-60-508, MCA, is amended to read:

25 **"50-60-508. Permit fees.** (1) The department of commerce shall establish permit fees in
26 accordance with the Montana Administrative Procedure Act, and, except as provided in 50-60-116, the
27 fees must be deposited to the state special revenue fund of the department for use in the administration
28 and enforcement of this part and the Montana state plumbing code and for other purposes as established
29 by law.

30 (2) For the purpose of 50-60-505 through 50-60-513, a sanitary plumbing outlet on or to which

1 a plumbing fixture or appliance may be set or attached must be construed to be a fixture. Fees for
2 reconnection and retest of plumbing systems in relocated buildings must be based on the number of
3 plumbing fixtures, gas systems, water heaters, and the like involved. The fees established pursuant to this
4 section must be commensurate with the costs of the administration and enforcement of this part and with
5 appropriations for other purposes."

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7 **Section 4.** Section 50-60-604, MCA, is amended to read:

8 **"50-60-604. Inspections -- electrical permits -- fees.** (1) (a) The department of commerce or an
9 authorized representative or a municipality or county certified to perform an inspection pursuant to
10 50-60-302 shall inspect electrical installations, issue electrical permits for these installations, and establish
11 and charge a reasonable and uniform fee for the inspections. The fee must be commensurate with the
12 expense of providing the inspection and with appropriations for other purposes.

13 (b) Fees collected pursuant to this section are subject to the provisions of 50-60-116.

14 (2) As part of any inspection, the inspector shall require proof of licensure from any person who
15 is required to be licensed who is involved with or, in the inspector's judgment, appears to be involved with
16 electrical installations if the person is on the site. The inspector shall report any instance of license
17 violation to the inspector's employing agency, and the employing agency shall in turn report the violation
18 to the board of electricians."

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